

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In Re:

Neal J. McDonald
Dolores K. McDonald

Bk. No. 08-11741B

NOTICE OF MOTION

TYPE OF PROCEEDING: Notice of Motion and Declaration of John H. Ring, requesting an Order directing the Debtors to turn over items set forth in the Declaration, extending the discharge of the Debtors until such as there has been compliance.

DATED, TIME AND PLACE
OF HEARING

June 23, 2008

10:00 a.m.

U .S. Bankruptcy Court, WDNY
300 Pearl Street, Suite 350
Part II Courtroom, 3rd Floor
Buffalo, New York

RELIEF REQUESTED: An Order directing the Debtors to turn over items set forth in the Declaration with extension of the United States Trustee and Trustee's time to object to the discharge of the Debtors as well as such other and further or different relief as to the Court may seem just and proper.

/s/JOHN H. RING, III
Attorney for Trustee
385 Cleveland Drive
Cheektowaga, NY 14215

To: Hon. Carl L. Bucki, U.S. Bankruptcy Court
U.S. Trustee's Office
Dennis Gaughan, Esq.
Neal J. McDonald/Dolores K. McDonald

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DECLARATION

John H. Ring, III, under the penalties of perjury, declares the following:

1. Declarant is the qualified and acting Trustee in the within case.
2. The Debtor filed a Petition under Chapter 7 of the Bankruptcy Code on April 24, 2008.
3. Among the non-exempt assets (or records) of the Debtor's Estate are the following:
 - (a) Turnover of the declaration page of the Met Life life insurance policy on the date of filing and turnover of any nonexempt portion of the cash value of the same;
 - (b) Turnover of the declaration page of the Mass Mutual life insurance policy on the date of filing and turnover of any nonexempt portion of the cash value of the same.
4. Declarant has duly demanded the turnover of the items set forth in Paragraph "3" , but the Debtors have failed to turn over those items.
5. 11 U.S.C Sections 521 (3) and (4) requires the Debtors to cooperate with the Trustee and to surrender to the Trustee all property of the Bankruptcy Estate.
6. The Debtors have failed to perform the duties imposed under 11 U.S.C. Section 521.
7. The Debtors have not as yet received a discharge under 11 U.S.C. Section 727.
8. Declarant respectfully requests the following relief:

(a) An Order directing the Debtors to turn over the items set forth in Paragraph "3" herein above.

(b) An Order extending the Trustee's time to file an objection to the discharge of the Debtors until such time as the Debtors have complied with the turnover Order.

(c) An Order extending the time in which the Trustee or the United States may object to the debtor(s) discharge pursuant to 11 U.S.C. §727.

Dated: June 2, 2008

/s/ JOHN H. RING, III